

Mar. 28, 1977

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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RUMNEY TEACHERS ASSOCIATION, :  
Affiliated with NHEA/NEA :  
: :  
and :  
: :  
RUMNEY SCHOOL DISTRICT :  
\_\_\_\_\_  
:

CASE NO. T-0254

77-14

APPEARANCES

Representing the School District:

- Bradley F. Kidder, Esquire
- Donald H. Cosgrove, Superintendent
- Sandra Poitras, School Board Member
- Betty Jo Taffe, " " "
- Robert J. Berti, " " "
- Colin MacKinnon, Principal

Representing the Teachers Association:

- Sally Potter, Project Director, NHEA/NEA
- Russell Dumais, UniServ Director
- Thomas E. Latus, President RTA

FINDINGS

On April 12, 1976, request for a representation election in accordance with RSA 273-A, Section 10, was filed by Barbara J. Yentzer, NHEA/NEA Project Director on behalf of the Rumney Teachers Association. Signature cards representing over thirty percent of the employees accompanied the request for election.

On April 28, 1976, mediation request was filed by Barbara J. Yentzer on behalf of the Association stating the parties had been unable to mutually select a mediator. PELRB at one of its earlier meetings adopted the policy that mediation requests would be held pending adoption of its rules and regulations.

Superintendent Kenneth Smith advised the Board on May 18, 1976 that the Rumney School Board did not recognize the Association as a unit under RSA 273-A and that furthermore, the teachers had already signed their contracts for the 1976-77 school year thus negating the pending impasse and necessity for appointment of a mediator.

A pre-election conference was called for the 26th of October, 1976 to be held at the Russell Elementary School in Rumney, Hearing Officer Richard H. Cummings to preside; date subsequently changed to 27th of October. Hearing was held with four members of the Rumney School Board in attendance, along with Attorney Kidder rep-

representing the School Board, Supt. Cosgrove, and Russell School Principal MacKinnon. Thomas E. Latus, spokesman for the Association and UniServ Director, Russell Dumais, also attended.

Full-time teaching staff, in accordance with school authorities, did not constitute the required number under RSA 273-A to warrant the election in the district. However, two part-time positions and the nurse position were in question and after hearing testimony on the three in question, matter was deferred to a full PELR Board hearing at a later date.

On November 18, 1976, PELRB held a hearing in Room 306 of the Legislative Office Building, Concord, New Hampshire, to hear further evidence in support of both inclusion or exclusion of the positions of Art, Nurse and Speech Therapist in the Rumney School District.

At the conclusion of the hearing, both parties were afforded an opportunity to submit post-hearing briefs for review by PELR Board. Briefs were to be submitted no later than November 30, 1976.

After careful review of all information and evidence submitted, PELRB ruled as follows:

Nurse: The nurse in this area had relatively little teaching responsibilities, if any, and if so, always under presence and guidance of a certified teacher. PELRB rules the position of nurse to be excluded from the proposed bargaining unit.

Art: After reviewing the evidence on the art position, PELRB found that the time spent in the Rumney School was minimal and the majority of time spent in other areas of the State in which the position's economics could be resolved and, therefore, found that the community of interest to be elsewhere. The position of art teacher to be excluded from the unit.

Speech Therapist: The position of speech therapist, however, did evidence the necessary community of interest; did involve evaluation and more direct association with the students and teachers in the area and the PELR Board therefore rules the speech therapist position to be included in the proposed bargaining unit.

ORDER

The bargaining unit for the Rumney School District shall consist of all full-time certified teachers and shall include the position of speech therapist. Excluded from the unit: superintendent, assistant superintendent, principal, nurse and art teacher.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed: this 28<sup>th</sup> day of March, 1977